United Nations A/66/754

General Assembly

Distr.: General
28 March 2012

Original: English

Sixty-sixth session
Agenda item 129
International residual mechanism for criminal tribunals

Construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch

Report of the Secretary-General

Summary

In its resolution 66/240, the General Assembly decided to appropriate an initial amount of $3 million for the overall construction, in Arusha, United Republic of Tanzania, of new facilities for the archives of the International Residual Mechanism for Criminal Tribunals. The Assembly also authorized the Mechanism to commence the conceptual design phase of the project and requested the Secretary-General to submit to it, no later than at the second part of its resumed sixty-sixth session, a report providing detailed information on a comprehensive project management plan, including programmatic and functional requirements, a conceptual design and key milestones from design to construction to occupation.

The present report provides the requested information and an update on progress in current project planning. Following the adoption of resolution 66/240, the project began in January 2012 and is expected to take approximately five years to complete, concluding with occupancy in 2017. The report outlines key project milestones, including the recruitment of a project manager, identification of a site, the hiring of a design consultancy firm, planning and design activities, the hiring of a contracting firm, as well as construction and occupancy.

12-27829 (E) 090412

Please recycle

I. Introduction

Background

1. The International Residual Mechanism for the Criminal Tribunals was established by Security Council resolution 1966 (2010) to continue the functions of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994. Pursuant to Security Council resolution 1966 (2010), the Mechanism will be established with two branches, which shall commence functioning on 1 July 2012 (the Arusha branch, for the International Criminal Tribunal for Rwanda), and on 1 July 2013 (for the ICTY, hereinafter The Hague branch, for the International Tribunal for the Former Yugoslavia), respectively. According to the statute of the Mechanism, the branch for the International Tribunal for the Former Yugoslavia shall have its seat in The Hague and the branch for the International Criminal Tribunal for Rwanda shall have its seat in Arusha. Furthermore, in accordance with article 27 of the statute, the Mechanism shall be responsible for the management, including preservation and access, of the archives of the Tribunals. The archives of the both Tribunals shall be co-located with the respective branches of the Mechanism.

2. As reported in the context of the budget for the International Residual Mechanism for the biennium 2012-2013 (A/66/537 and Corr.1) and in the related supplementary information provided to the Advisory Committee on Administrative and Budgetary Questions, as well as in the written responses provided to the Fifth Committee, the Arusha International Conference Centre, where the International Criminal Tribunal for Rwanda is currently located, would not be suitable for long-term use by the Mechanism owing to security, functional and programmatic requirements.

3. There are no other United Nations agencies or bodies of any significant size in Arusha which can offer shared space for the Mechanism, and the existing buildings in the city are inadequate to meet the functional and programmatic requirements. For these reasons, resources were requested in the budget of the Mechanism for the biennium 2012-2013 for a new purpose-built facility to serve as the seat of the Arusha branch of the Mechanism.

Project outline

4. The proposed facility will serve as the home of the Arusha branch of the Mechanism. One of the key functions of the Mechanism is the management of the archives of the Tribunals. The archives of the International Criminal Tribunal for Rwanda will be housed at the new facility, as will a reading and information area related to the archives repository. The facility will also include a courtroom to

conduct judicial activities[1] for which the Mechanism has jurisdiction, as well as office space for the staff of the Mechanism conducting the other continuous functions of the Mechanism, such as witness and victim protection, sentence enforcement and the provision of assistance to national jurisdictions.

5. The Tribunals have been tasked with providing administrative support to the Mechanism during the biennium 2012-2013. Upon completion of both Tribunals' mandates, the Mechanism will have its own administrative component to provide all administrative support required to carry out its substantive functions.

6. The Government of the United Republic of Tanzania has agreed to provide land and any necessary connections to facilities, such as electricity, water supply, and drainage and sewage system, at no cost to the United Nations for the proposed facility, and has suggested several locations in Arusha that are currently under evaluation. Cooperation between the Mechanism and the host country has been excellent to date, and the continued full support of the Government will be required for the successful provision of a suitable building site.

7. Other planning activities that have been conducted to date include the identification of functional and programmatic requirements and associated technical requirements, a review of recommended options for the implementation and administration of the project, and the development of a project timeline. These activities are described in further detail below. Furthermore, it is planned that a cost estimate for the project will be submitted to the General Assembly in the first quarter of 2013, and the requirements pertaining to the biennium 2014-2015 will be included in the proposed budget of the Mechanism for the biennium 2014-2015.

II. Functional and programmatic requirements

Building requirements

8. The building will consist of general office space for the staff of the Arusha branch of the Mechanism; specialized spaces, including an archive and records repository, a courtroom, a reading room and an information area; support spaces, including a data centre, security command centre, a small cafeteria and a medical clinic; and other building services areas. The estimated gross area of the building would be 4,940 m^2, as summarized in the table below (see para. 17) and detailed in annex I to the present report. In addition, the space requirements for unconditioned areas would be 1,700 m^2, as set out in annex II, including outdoor parking and cafeteria seating. By definition, the unconditioned areas do not require heating or cooling.

Archives and records repository

9. Based on the volume of archives and records, the repository should be 1,000 m^2 in area and should be located on the ground floor of the facility, taking into account the weight of the compact shelving units that will be used to store the

[1] The term "judicial activity" refers to trials and appeals of any of the fugitives at-large for whom the Mechanism will have jurisdiction. It also refers to other proceedings, such as special depositions and reviews of sentences, which may be conducted in accordance with the statute of the Mechanism.

records. It must be insulated and installed with compliant heating, ventilation and air conditioning systems capable of controlling dust and other pollutants and keeping the records repository at a constant temperature of 18-22 degrees Celcius and 35-45 per cent relative humidity. The records repository will be installed with a non-water fire-suppression system. Access to the records repository will be strictly limited, with security cameras and anti-intrusion alarm systems installed.

10. An estimated 150 m^2 of the archive and records repository will be designated as the cold vault to store the audio-visual, photographic, artifact and special collections that require more stringent environmental controls and air filtration systems. The special collections repository will be kept at a constant temperature of 8 degrees Celcius and 25 per cent relative humidity.

Courtroom

11. Based on the current courtroom facilities of the International Criminal Tribunal for Rwanda, the courtroom of the proposed facility will be approximately 400 m^2, and will include:

(a) Separate benches for all parties and legal staff (Chambers, Registry, prosecution, defence and accused, and witnesses);

(b) Facilities for the courtroom support staff (court reporters, and separate booths for the interpreters, audio-video technicians and security staff);

(c) Technical equipment (information and communications technology, climate control and conference services);

(d) Separate and secure facilities for holding cells and witness waiting area;

(e) Public gallery;

(f) Judges' lounge.

Reading room and information area

12. A reading room of approximately 200 m^2 is required to meet the needs of researchers. This area will serve as a library, an archival research area and an information area. The area will contain fixed shelving units for books and archival finding aids, research work stations with desktop computers to access the databases, and audio-visual facilities. The room temperature will be kept at ambient levels, and no specialized construction will be required.

Office space based on continuous staffing functions

13. A detailed analysis of immediate and future staffing requirements was conducted as a part of the preparation for the budget submission for the Mechanism for the biennium 2012-2013. Following the closure of the International Criminal Tribunal for Rwanda, a total of approximately 56 staff members will be required to carry out the continuous functions of the Arusha branch of the Mechanism. As administrative support of the Mechanism is currently provided by the International Criminal Tribunal for Rwanda, the future provision of administrative support to the Arusha branch remains to be determined. For space planning purposes only, space for additional 34 staff (30 administrative and 4 security staff) have been included in the estimate for office space. Since the facility has not yet been designed, the

number of uniformed security officers is not yet determined. As uniformed officers do not require dedicated office space, the related space will be provided within the estimate for shared common area.

14. In total, 751.5 net m^2 of office space is required for the staff of the Arusha branch, as indicated in annex I.

Area for ad hoc staff functions

15. In its resolution 1966 (2010), the Security Council established that the Mechanism must be capable of rapidly scaling up its staffing levels to support any trials or other judicial activities which fall under its jurisdiction. It will therefore be necessary to ensure that the proposed new facility can quickly be adapted to accommodate office space for up to 80 additional staff members required to support one trial. Separate areas for staff of the Prosecution, Chambers and Defence are required to maintain confidentiality. The principle of confidentiality will also require that access to the areas housing archives and protected witness files be restricted. Roughly half of the ad hoc staff, including interpreters, court reporters, audio-video technicians and witness support staff, will not require individual office space as they will spend the majority of their time in court or in the witness safe houses, and office space can be shared.

16. Consequently, dedicated office space will not be provided for ad hoc staff. Rather, accommodation for such staff will be provided through the use of shared common areas within the facility without increasing its overall size. Staff who report for duty on a temporary basis or on short notice will be provided with a small work space within a shared area and with sufficient amenities, such as computer, phone, desk and storage. This arrangement is commonly referred to as "hotelling" or "hot desking". In addition, the grounds of the facility will be large enough to allow for the erection of prefabricated temporary offices, should a longer-term need arise.

17. Summaries of the functional and programmatic requirements of the building are set out in the annexes to the present report. The total estimated requirements were compiled based on the net area requirements, plus industry and United Nations standard circulation factors, common area factors and building gross factors. A summary of the building size requirement is enclosed in table 1 below:

Summary of area calculations of the proposed facility

Function	*Subtotal (m^2)*	*Area (m^2)*
Office space		1 270
Net area per staffing table	751.5	
30 per cent circulation factor (30 per cent of 751.5)	225.5	
30 per cent common area factor (30 per cent of (751.5+225.5))	293.1	
Specialized spaces		2 847
Net area	2 190.0	
30 per cent circulation factor (30 per cent of 2,190)	657.0	
20 per cent gross factor (20 per cent of (1,270+2,847))		823
Total gross building area		**4 940**

Site requirements

18. The minimum amount of land required for the facility is approximately five acres. For security reasons, the facility should not be constructed in the centre of the city, but rather in an undeveloped area, segregated from other buildings and commercial facilities. To facilitate access by researchers and other members of the public, it should be located no more than 20 kilometres from the city and should not be more than one kilometre from a main developed road. The land should be relatively level, and far from any flood plains, or rivers. Since the foothills of Mountain Meru begin immediately to the north of Arusha, the most likely locations will be either to the east, south or west of the city.

Associated technical requirements

Security requirements

19. The Department of Safety and Security participated in the initial planning of the project and will be fully consulted in establishing the security requirements of the project, including those related to the site as well as the building. The Department will also be the lead office in coordinating security-related issues with the host country, including those related to a building site.

Site security requirements

20. The Department of Safety and Security will conduct thorough surveys of the sites proposed by the host country and will approve the site (or sites) prior to conducting and finalizing land negotiations. Primary areas of study will include: (a) provision of adequate setback to mitigate blast threats; (b) evacuation route(s); (c) proximity to emergency services; and (d) review of surrounding sites and buildings.

21. The perimeter of the eventual site will be secured by means of intrusion deterrence and detection, as well as screening of pedestrians and vehicles, including screening of staff, visitors and deliveries.

Building security requirements

22. Minimum operating security standards will be considered in the design. The building will include a screening area, pass and identification office, security command centre and related security support spaces. It will also be equipped with video surveillance and access control throughout the facility.

Information and communications technology requirements

23. The total amount of digital storage required for the records of the International Criminal Tribunal for Rwanda is one petabyte, to be stored on a combination of disk and data tape storage, with an equal amount of space required for back-up. The total required floor space for the data and telecommunications centre will therefore be approximately 95 m^2.

24. The data centre should be located on the ground floor of the building to ensure that the weight of the information and communications technology equipment can be supported. The data centre must be situated in a windowless location with

appropriate air conditioning, an electrical supply with uninterruptible power supply back-up, security surveillance and access control.

25. Global data and telecommunications should be supported via satellite links. The local area network should be comprised of fibre-optic and copper connections, and a wireless network for both local and wide area use will be required. A UHF/VHF radio network will be required, particularly for use by security officers.

III. Current status of planning phase

Project funding and cost estimate

26. The project will be funded via the assessed budget for the Mechanism. The General Assembly has approved an initial appropriation of $3 million, and has requested a review of further budgetary needs following the conclusion of the conceptual design phase of the project. A project cost estimate will be available in the first quarter of 2013, following the recruitment of an architectural design consultancy firm by the end of 2012, and the completion of the conceptual design.

Administrative arrangements

Overall project administration

27. The Registrar of the Mechanism is responsible for the day-to-day oversight and decision-making process related to the construction of the proposed new facility. The Assistant Secretary-General of the Office of Central Support Services, through the Overseas Properties Management Unit, will provide overall guidance and technical advice regarding the planning, design and construction of the project. In addition, the Office of Central Support Services will advise the Mechanism on United Nations system-wide best practices and lessons learned from similar capital projects.

Coordination with the International Criminal Tribunal for Rwanda

28. Provisions for administrative support have not been included in the budget for the Mechanism for the biennium 2012-2013 as both Tribunals will be responsible for providing administrative support services to the Mechanism. While the Registrar of the Mechanism is responsible for the project overall, the technical activities associated with procurement and recruitment will be undertaken by the administrative offices of one of the two Tribunals, within the delegated authority under the United Nations Financial Regulations and Rules. Upon completion of the mandates of both Tribunals, these activities will be provided by the Mechanism itself.

29. Support for liaison arrangements with the host country will be provided to the Registrar of the Mechanism by the International Criminal Tribunal for Rwanda during the first several years of the project, until the Mechanism has been fully staffed. Both Tribunals have begun providing support to the Mechanism vis-à-vis planning for the Arusha facility in the areas of information and communications technology, procurement, budget, general services and human resources.

Coordination with the Office of Central Support Services

30. The Office of Central Support Services provides guidance and support in all aspects of project implementation, in coordination with other key project stakeholders, such as the Department of Safety and Security, the Office of Information and Communications Technology, and the Office of Legal Affairs. The Office and the Mechanism have been conducting regular videoconferences and conference calls since the beginning of 2012 and will continue to do so throughout the implementation of the project.

31. The Overseas Properties Management Unit of the Office of Central Support Services conducted a mission to Arusha in February 2012 to provide technical advice and support to the Mechanism, including the review of functional and programmatic requirements, a review of potential building sites, the provision of advice on project management, design and construction best practices, and the development of a master project schedule.

Project management

32. The Mechanism understands the need to recruit additional dedicated resources to augment existing resources in the areas of project management, design and construction management. Accordingly, recruitment of a dedicated on-site project manager commenced in February 2012. The project manager will report to the Registrar of the Mechanism, and will coordinate closely with the Office of Central Support Services. The project manager's position, to be funded under general temporary assistance, will be accommodated within the project budget.

33. The main responsibilities of the project manager include:

(a) The provision of assistance and advice to the Registrar of the Mechanism on the overall management of the project with respect to project timeline/schedules, milestones, key deliverables, logistics and budget, among others;

(b) Day-to-day management of third-party contractors and consultants;

(c) Analysis of reports produced on planning, design and construction strategies and providing expert opinion;

(d) Development of proposals, terms of reference and scope of services with respect to procurement exercises for contracting of required consultancy services;

(e) Development of a project risk management plan.

Project implementation methodology

34. Based on available local resources, including technical expertise and overall capacity in the design and construction industry, the project will employ the design-bid-build method of design and construction implementation. This method entails hiring an architectural design firm to fully develop and define project requirements vis-à-vis contract documents, then hiring a contracting firm to carry out construction works. This method affords the Mechanism maximum control and the ability to mitigate risk during each project phase as compared with other methods, such as design-build or turn-key.

35. Although the facility will be considered international territory per the Charter of the United Nations and the local host country agreement, the Mechanism will

voluntarily observe prevailing local building and planning regulations, codes and professional standards, or the most appropriate international standards, in the planning, design and implementation of the project.

Project timeline

36. From commencement of the planning and design activities, through occupancy, the project duration is estimated to be 5.25 years. It is proposed that progress on the project be reported annually to Member States. A summary project schedule is set out in annex III. Meanwhile, the Arusha branch of the Mechanism will be located within the premises of the building housing the International Criminal Tribunal for Rwanda pending the construction of the new facility.

Annex I

Space requirements

(a) Analysis of office space requirements based on staffing requirements

Number of staff by division	*USG/ASG*	*D*	*P*	*GS/FS*	*Number of staff*
Office of the Registrar	1	—	8	3	12
Witness Support and Protection Unit	—	—	3	6	9
Language Support Service	—	—	2	0	2
Office of the President	1	—	2	1	4
Office of the Prosecutor	1	—	10	7	18
Archives and Records Management	—	—	6	5	11
Security	—	—	2	2	4
Administration	—	—	10	20	30
Subtotal	**3**	**—**	**43**	**44**	**90**
Net area per staff per staff level	35.67	17.83	8.91	5.94	
Net area subtotals	107.0	—	383.1	261.4	
Net area total					**751.5**

Abbreviations: USG, Under-Secretary-General; ASG, Assistant Secretary-General; D, Director; P, Professional; FS, Field Service; GS, General Service.

(b) Analysis of space requirements for specialized areas

Function	*Area (m^2)*	*Subtotal (m^2)*
Records repository		1 000
ICTR judicial records	250	
ICTR other substantive records	250	
ICTR administrative records	100	
Mechanism records	250	
Special collections (cold vault)	150	
Courtroom		400
Courtroom	150	
Judges' areas	100	
Public gallery	75	
Holding cell	15	
AV booth	15	
Interpreter's booth	15	
Witness waiting room	15	
Security	15	

Function	*Area (m^2)*	*Subtotal (m^2)*
Reading room and information area		200
Reading room	100	
Information area	100	
Cafeteria		200
Kitchen	50	
Serving area	50	
Indoor dining area	100	
Clinic		35
Reception/waiting area	10	
Offices	15	
Exam room	10	
Data centre		80
Telecommunications centre		15
Security functions		150
Screening area	25	
Pass and identification office	15	
Command centre	15	
Armoury	10	
Staff lounge	25	
Staff locker rooms	30	
Gym	30	
Service areas		110
Loading dock	30	
General storage	40	
Drivers' dispatch area	10	
Maintenance area	30	
Subtotal		**2 190**

Abbreviation: ICTR, International Criminal Tribunal for Rwanda.

Annex II

Analysis of space requirements for unconditioned areas

Function	*Area (m^2)*
Cafeteria outdoor seating	50
Parking	
Staff parking[a]	900
Visitors' parking[b]	450
Official vehicles parking[c]	300
Unconditioned areas subtotal	**1 700**

[a] Assume 40 vehicles at 15 m^2 per space plus 50 per cent circulation factor.
[b] Assume 20 vehicles at 15 m^2 per space plus 50 per cent circulation factor.
[c] Assume 10 vehicles at 20 m^2 per space plus 50 per cent circulation factor.

Annex III

Summary project schedule for new building facility

No.	Activity	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3	2016 Q4	2017 Q1
1	General Assembly approval to proceed with conceptual design	◆																				
2	Recruit project manager	▬																				
3	Site selection	▬	▬	▬																		
4	Programming		▬	▬																		
5	Progress report to the General Assembly at its resumed sixty-sixth session		◆																			
6	Recruit architectural consultant			▬	▬																	
7	Conceptual design				▬																	
8	Cost estimate					▬																
9	Request General Assembly's approval to proceed with design and construction, resumed sixty-seventh session						◆															
10	General Assembly approval to proceed with design and construction							◆														
11	Design development and construction documents							▬	▬	▬												
12	Progress report to the General Assembly at its sixty-ninth session										◆											
13	Tender for construction contract									▬	▬											
14	Contract negotiations, award and mobilization													▬								
15	Construction phase and interior fit-out														▬	▬	▬	▬	▬	▬	▬	
16	Progress report to the General Assembly at its seventieth session															◆						
17	Progress report to the General Assembly at its seventy-first session																			◆		
18	Occupancy																				◆	

Legend:
Project milestone/date ◆
Duration of Project Activity ▬